Office-Supreme Court, U.S.
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APR 1 1966
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 1175

LOCAL NO. 7 INTERNATIONAL UNION OF JOURNEYMEN HORSESHOERS OF THE UNITED STATES AND CANADA (AFL-CIO), ET AL.,

Petitioners,

v.

A. IRWIN TAYLOR, ET AL.,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Petitioners, Local No. 7, International Union of Journeymen Horseshoers of the United States and Canada (AFL-CIO), an unincorporated association, Raymond P. Benton, John J. Meehan, John H. Bosley, and Robert E. Wheeler, and International Union of Journeymen Horseshoers of the United States and Canada (AFL-CIO) an unincorporated association, pray that a writ of certiorari issue to review

the judgment of the United States Court of Appeals for the Fourth Circuit entered in the above entitled case on November 5, 1965.*

CITATIONS TO OPINIONS BELOW

The opinion of the United States District Court for the District of Maryland, printed in Appendix A hereto, p. 27a is reported in 222 F. Supp. 812. The opinion of the Circuit Court of Appeals printed in Appendix A hereto, p. 1a is reported in 355 F. 2d 593.

JURISDICTION

The judgment of the Circuit Court of Appeals for the Fourth Circuit was entered on November 5, 1965. The jurisdiction of this Court is invoked under 28 U.S. C., Section 1254(1).

QUESTIONS PRESENTED

1. Should common law standards be applicable in determining whether an employer-employee relationship exists for the purpose of the labor exemptions contained in Sections 6 and 20 of the Clayton Act and the Norris-LaGuardia Act with respect to alleged antitrust violations?

2. Does the application of the labor exemption from the Federal antitrust laws under the Clayton Act and Norris-LaGuardia Act require either the parties to a dispute stand in relationship of employer-employee and dispute some aspect of that relationship or that the employer-employee relationship of others be the crux of the dispute between the parties?

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* Respondents herein are A. Irwin Taylor, Carl F. Chapman, William Edmiston, James P. Simpson, Glenn C. Smith and Harry S. Eklof.

STATUTES INVOLVED

The statutory provisions involved are the Sherman Antitrust Act, 26 Stat. 209, 50 Stat. 693, 15 U.S.C.A. Sections 1 and 2; Sections 6 and 20 of the Clayton Act, 38 Stat. 731, 738; 15 U.S.C.A. Section 17, 29 U.S.C.A. Section 52; and Norris-LaGuardia Act, 47 Stat. 70, 29 U.S.C.A., Section 101 et seq. Relevant sections of each are printed in Appendix B hereto pp. 42a-46a.

STATEMENT

Petitioners herein are Local 7, the Maryland Local, The International Union and various officers and members of Local No. 7. The Local and International Unions are composed of individuals who shoe horses, primarily at race tracks in the United States and Canada.

Respondents are trainers and owners of thoroughbred race horses who train and raise horses in various race tracks in the United States and Canada.

In September, 1963, Respondents filed a civil action against Local No. 7 and certain individual members of Local No. 7 in the United States District Court for the District of Maryland seeking to enjoin the Local and its officers and members from engaging in establishing a minimum for shoeing horses on the Maryland race tracks and from refusing to shoe certain horses unless the owners and trainers agreed to use exclusively union horseshoers when they race their horses in the United States and Canada. Respondents alleged that such actions were in violation of Sections 1 and 2 of the Sherman Act, 15 U.S.C.A. Sections 1 and 2, and Sections 4 and 16 of the Clayton Act, 15 U.S.C.A. Sections 15 and 26. Coupled with their claim for injunctive relief, Respondents sought a declaratory judgment and money damages. A preliminary hearing on the